

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

BRIAN TANGORRE,

Plaintiff

v.

JENNIFER BRATT,

Defendant.

Civil Action No.

**1:24-cv-388 (MAD/CFH)**

**NOTICE OF REMOVAL**

TO: United States District Court  
for the Northern District of New York

CARLA B. FREEDMAN, United States Attorney for the Northern District of New York, KAREN FOLSTER LESPERANCE, Assistant U.S. Attorney, of counsel, respectfully petitions the Court to remove the above-captioned action from the Supreme Court, County of Albany, State of New York, to the United States District Court for the Northern District of New York, pursuant to 28 U.S.C. §§ 2679(d)(2) and 1442(a)(1). In support of this notice, counsel for the United States of America states as follows:

1. On or about July 18, 2023, Plaintiff Brian Tangorre commenced an action by filing a summons with notice in the Supreme Court, County of Albany, State of New York, naming Jennifer Bratt as a Defendant. *See **Exhibit A***.

2. Following a demand from Defendant, Plaintiff filed a Complaint on September 18, 2023, asserting a claim of defamation against Defendant. *See **Exhibit B***.

3. The United States Attorney for the Northern District of New York has certified that that Defendant Jennifer Bratt was acting within the scope of her employment as an Active

Guard Reserve Soldier, employed in the service of the United States under 32 U.S.C. § 502(f), when she reported and discussed allegations of sexual assault and sexual harassment against Plaintiff Tangorre. *See* **Exhibit C**.

4. Under 28 U.S.C. § 1346(b)(1), federal district courts have “exclusive jurisdiction of civil actions on claims against the United States, for money damages . . . for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment.”


5. Under 28 U.S.C. § 2679(d)(2), “[u]pon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place in which the action or proceeding is pending.”

6. The Attorney General has designated his authority to provide the certification required by the above-cited provisions to each United States Attorney. 28 C.F.R. § 15.4.

WHEREFORE, Petitioner respectfully requests that the above-captioned matter now pending in the Supreme Court, County of Albany, State of New York, be removed to the United States District Court for the Northern District of New York, pursuant to 28 U.S.C. §§ 2679(d)(2) and 1346(b)(2).

Dated: March 20, 2024

CARLA B. FREEDMAN  
United States Attorney

By:   
Karen Folster Lesperance  
Assistant United States Attorney